



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.19652 of 2016

and

W.M.P (MD) No.14164 of 2016

P.M.Chellapandi Poojari

...Petitioner

Vs.

1.The Fit Person/Deputy Commissioner,
Arulmigu Pandi Muneeswarar Temple,
Melamadaï, Madurai District.

2.The Executive Officer/Deputy
Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai.

4.Geetha Chellapandian

5.Sivaji Poojari

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the proceedings of the Impugned order in Se.Mu.Nada.Na.Ka.No.21/2016/A2 dated 26.09.2016 on the file of the 1st Respondent and quash the same.

For Petitioner

: Mr.G.Prabhu Rajadurai

For Respondents 1&3

: Mr.V.R.Shanmuganathan,
Special Government Pleader.

For 2nd Respondent

: Mr.S.Manohar

ORDER

Challenging the order passed by the first respondent dated 26.09.2016, suspending the petitioner from continuing his poojariship rights, the present writ petition has been filed.

2.According to the petitioner, he has been suspended at the instigation of a person who is inimical to the petitioner. It is further stated that earlier he was removed from the post of hereditary trusteeship and challenging the said order of removal, a suit has been filed and the same is still pending wherein there



is no interim order. It is further stated that the first respondent has no power to pass the impugned order and accordingly, it is liable to be set aside.

3.Learned Special Government Pleader appearing for the respondents would contend that the first respondent has power to place the petitioner under suspension pending enquiry under Rule 4 of Punishment of Office-Holders and Servants of Religious Institutions (Other than Maths and Specific Endowments Attached thereto Rules), and if at all, the petitioner has any grievance regarding the charges levelled against him, he can very well file his objection before the first respondent.

4.Considering the facts and circumstances and without going into the merits of the case, the petitioner is directed to file his objection for the charges levelled against him before the first respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of such objection the first respondent is directed to pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, W.M.P(MD)No.14164 of 2016 is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Fit Person/Deputy Commissioner,
Arulmigu Pandi Muneeswarar Temple,
Melamadai, Madurai District.

2.The Executive Officer/Deputy
Commissioner, Hindu Religious and Charitable
Endowment Department,
Madurai.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department, Madurai.

+1cc to M/s.G.Prabhu Rajadurai, Advocate in SR.63799

+1cc to M/s.S.Manohar, Advocate in SR.63650

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and

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sms

<https://hcservices.ecourts.gov.in/hcservices/>

PBR/MFA/SAR-1 16/11/2016 ::2P-6C: